

SENATE BILL No. 443

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-3-1-1.5.

Synopsis: Railroad health and safety inspections. Authorizes the department of transportation to perform health and safety inspections along railroad rights-of-way, in rail yards, in terminals, at rail loading and unloading facilities, and on trains if allowed under federal law. Allows the department to order the improvement or removal of a dangerous condition or an unhealthy condition on property owned or operated by a railroad. Provides a schedule of penalties to be recovered in an action brought by the attorney general for violations of railroad health or safety conditions.

Effective: July 1, 2004.

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January 12, 2004, read first time and referred to Committee on Transportation and Homeland Security.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 443

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-3-1-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 1.5. (a) This section does not apply to the extent that**
4 **it violates or is preempted by federal law.**

5 **(b) The department may inspect railroads and the conditions**
6 **existing on all trains operating within Indiana, including areas that**
7 **are:**

8 **(1) along rail rights-of-way;**

9 **(2) in rail yards;**

10 **(3) in terminals; and**

11 **(4) at rail loading and unloading facilities connected to**
12 **property owned or operated by a railroad, except for those**
13 **areas of loading and unloading facilities that do not require**
14 **access for service by Class I railroads as classified under 49**

15 **CRF 1201 Subpart A, General Instructions 1-1.**

16 **The inspection shall be conducted to assure the safety, health, and**
17 **comfort of railroad customers, the general public, and railroad**



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employees and to abate and remove dangerous or unhealthy conditions found to exist in those locations.

(c) The department shall order:

(1) the abatement and removal of a dangerous condition or an unhealthy condition; or

(2) improvements to be made to remedy the dangerous or unhealthy condition;

by the railroad if the condition is shown to be dangerous to the safety or health of railroad customers, the general public, or railroad employees.

(d) A railroad operating in Indiana that willfully violates this section is liable to the department for the following penalties:

(1) For the first violation, a penalty of at least one hundred dollars (\$100) and not more than five hundred dollars (\$500).

(2) For a second violation that occurs not later than three (3) years after the first violation, a penalty of at least five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

(3) For a third violation that occurs not later than three (3) years after the first violation, a penalty of at least one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000).

(4) For a fourth or subsequent violation that occurs not later than three (3) years after the first violation, a penalty of at least five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000).

This section shall be enforced by the attorney general in a county through which the railroad operates.

(e) The department may adopt rules under IC 4-22-2 to carry out this chapter.

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